



Fast Track Proposed Regulation Agency Background Document

Agency name	Child Day Care Council
Virginia Administrative Code (VAC) citation	22VAC15-11
Regulation title	Public Participation Guidelines
Action title	Repeal Public Participation Guidelines as a Result of 2012 Legislation
Date this document prepared	August 16, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

In accordance with changes to the Code of Virginia, effective July 1, 2012, the Child Day Care Council (Council) was abolished. Per chapters 803 and 835 of the 2012 Acts of Assembly, regulations promulgated by the Council pursuant to §§ 63.2-1734 and 63.2-1735 shall be administered by the State Board of Social Services (Board) and remain in effect until the Board promulgates new regulations.

The Board already has a public participation guidelines regulation (22VAC40-12) that mirrors 22VAC15-11. This action repeals the Council's public participation guidelines regulation, as it is no longer needed.

Section 2.2-4007.02 mandates that agencies adopt model public participation guidelines issued by the Department of Planning and Budget. Public participation guidelines exist to promote public involvement in the development, amendment, or repeal of an agency's regulations.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services took final action on 22VAC15-11, Public Participation Guidelines, on August 16, 2012.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

In accordance with changes to the Code of Virginia, effective July 1, 2012, the Council was abolished. Per chapters 803 and 835 of the 2012 Acts of Assembly, regulations promulgated by the Council pursuant to §§ 63.2-1734 and 63.2-1735 shall be administered by the Board and remain in effect until the Board promulgates new regulations.

Section 63.2-217 of the Code of Virginia provides that the Board shall adopt regulations necessary to carry out the purposes of Title 63.2.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This action repeals a regulation, rather than amending or establishing. The Board already has a public participation guidelines regulation (22VAC40-12) that mirrors 22VAC15-11. This action repeals the Council's public participation guidelines regulation, as it is no longer needed.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The action is not expected to be controversial because the Board already has in effect a public participation guidelines regulation which mirrors the Council regulation. The Board's regulation will cover regulations previously promulgated by the Council. Public participation will not be compromised by the repeal of 22VAC15-11. This action simply repeals an unnecessary regulation.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.

There are no substantive provisions or changes with this action.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

There are no disadvantages to the public, agency or Commonwealth. In keeping with the goal of streamlining government and creating efficiency, the action is advantageous to the public, agency and the Commonwealth because it removes an unnecessary regulation from the Virginia Administrative Code and eliminates the administrative tasks associated with maintaining it.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements more restrictive than federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities are particularly affected by this action.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while

minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative regulatory methods. Section 2.2-4007.02 of the Code of Virginia mandates that agencies adopt public participation guidelines. The Board will continue to meet this mandate with 22VAC40-12. This action has no impact on reporting requirements or small businesses.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	There are no projected costs to the state.
Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.	There are no projected costs to localities.
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	Individuals and businesses will not be affected.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Individuals and businesses will not be affected.
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	There are no projected costs.
Beneficial impact the regulation is designed to produce.	The action will eliminate an unnecessary regulation.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The alternative is retaining 22VAC15-11. However, the body with authority to promulgate the regulation no longer exists. The State Board of Social Services will refer to their own regulation, 22VAC40-12. Retaining 22VAC15-11 would result in unnecessary periodic reviews and regulatory flexibility reviews every four years. Therefore, the most efficient alternative is to repeal 22VAC15-11/

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action has no impact on the authority and rights of parents in education nurturing and supervision of their children, economic self-sufficiency, marital commitment or disposable family income.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the **pre-emergency** regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
10-110	n/a	Public Participation Guidelines	repeal